

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: Chairman Roy Brown, on February 13, 2009 at 3:00 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Roy Brown, Chairman (R)
Sen. Terry Murphy, Vice Chairman (R)
Sen. Greg Hinkle (R)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)

Members Excused:

Sen. Dave Lewis (R)
Sen. Trudi Schmidt (D)

Members Absent: None

Staff Present: Lisa Mecklenberg Jackson, Legislative Branch
Joan Linkenbach, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 399, 2/7/2009; SB 401, 2/7/2009

Executive Action: SB 326; SB 330; SB 350; SB 357

HEARING ON SB 401

Opening Statement by Sponsor:

00:00:47 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 401, Revise laws relating to treatment programs for certain medical licensees.

00:01:04 Sen. Schmidt now present

Proponents' Testimony:

00:02:38 Greg Van Horssen, Attorney

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:11:41 Sen. Schmidt
00:11:55 Sen. Laslovich
00:12:12 Mr. Van Horssen
00:12:50 Sen. Schmidt
00:13:04 Mr. Van Horssen
00:13:43 Sen. Larsen
00:14:10 Mr. Van Horssen
00:15:17 Sen. Larsen
00:15:29 Mr. Van Horssen
00:15:52 Sen. Schmidt
00:15:57 Mr. Van Horssen
00:16:37 Sen. Schmidt
00:17:02 Mr. Van Horssen
00:18:02 Chairman Brown
00:18:40 Mr. Van Horssen
00:19:26 Chairman Brown
00:20:07 Mr. Van Horssen
00:21:05 Chairman Brown
00:21:10 Mr. Van Horssen
00:21:13 Sen. Schmidt
00:22:24 Mr. Van Horssen
00:23:43 Chairman Brown

Closing by Sponsor:

00:23:54 Sen. Laslovich

HEARING ON SB 399

Opening Statement by Sponsor:

00:25:28 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 399, Revise out of state placement of youth with health needs.

EXHIBIT (phs34a01)

00:27:32 Sen. Juneau left the room.

Proponents' Testimony:

00:30:10 Larry Noonan, CEO, Aware, Inc. (AI)
00:30:45 Sen. Juneau now present
00:43:35 Peter Bovington, Montana Legal Services
00:47:56 Steve Yeakle, Montana Council for Maternal and Child Health
00:49:56 John Wilkinson, former Executive Director for Intermountain Children's Home; former Executive Director of a children and families program in California
00:53:56 Jeff Folsom, AI
01:00:29 Anita Roessmann, Disability Rights of Montana

Opponents' Testimony:

01:04:31 Steve Nelsen, Executive Director, Montana Childrens Initiative (MCI)
01:06:20 Sen. Larsen left the room.
01:07:57 Kimberly Gardner, Social Worker
EXHIBIT (phs34a02)

01:13:35 Sen. Larsen now present
01:14:18 Jani McCall, Yellowstone Boys and Girls Ranch (YBGR)

Informational Testimony:

01:21:58 Mary Dalton, Medicaid and Health Services Manager, Department of Public Health and Human Services (DPHHS)
EXHIBIT (phs34a03)

01:27:37 Sen. Lewis now present
01:30:49 Chairman Brown
01:30:55 Ms. Dalton, DPHHS
01:40:04 Chairman Brown

Questions from Committee Members and Responses:

01:31:08 Sen. Larsen
 01:32:13 Ms. Dalton, DPHHS
 01:33:01 Sen. Larsen
 01:33:12 Sen. Hinkle left the room.
 01:33:31 Ms. Dalton, DPHHS
 01:34:20 Sen. Larsen
 01:34:44 Ms. Dalton, DPHHS
 01:35:40 Sen. Larsen
 01:35:55 Ms. Dalton, DPHHS
 01:36:05 Sen. Schmidt
 01:36:12 Sen. Hinkle now present
 01:36:37 Bonnie Adey, Bureau Chief, Childrens Mental Health,
 DPHHS
 01:36:56 Sen. Schmidt
 01:37:31 Steve Gibson, Administrator, Youth Services, Department
 of Corrections (COR)
 01:37:38 Sen. Schmidt
 01:38:10 Mr. Gibson, COR
 01:38:57 Sen. Schmidt
 01:39:36 Kim Gardner, SW
 01:41:30 Sen. Schmidt
 01:41:50 Ms. McCall, YBGR
 01:42:21 Sen. Schmidt
 01:42:49 Ms. McCall, YBGR
 01:43:51 Sen. Schmidt
 01:44:06 Mr. Nelsen, MCI
 01:44:48 Sen. Murphy
 01:45:29 Ms. Dalton, DPHHS
 01:46:43 Chairman Brown
 01:46:52 Ms. Dalton, DPHHS
 01:47:01 Chairman Brown
 01:47:56 Ms. Dalton, DPHHS
 01:48:19 Sen. Juneau
 01:48:45 Ms. Dalton, DPHHS
 01:49:44 Sen. Juneau
 01:50:02 Ms. Dalton, DPHHS
 01:50:46 Sen. Juneau
 01:51:33 Ms. Dalton, DPHHS
 01:52:23 Sen. Juneau

Closing by Sponsor:

01:52:49 Sen. Laslovich
 01:57:49 Chairman Brown

EXECUTIVE ACTION ON SB 326

01:59:01 **Motion:** Sen. Hinkle moved that **SB 326 BE TABLED.**

01:59:07 Chairman Brown did not recognize the motion.

02:00:01 **Motion:** Sen. Schmidt moved that **SB 326 DO PASS.**

Discussion:

Sen. Schmidt

Sen. Lewis

Lisa Mecklenberg Jackson, Legislative Services Division
(LSD)

EXHIBIT (phs34a04)

02:00:37 **Motion:** Sen. Lewis moved **SB 326 BE AMENDED.** (Exhibit 4)

Discussion:

02:01:10 Sen. Lewis

02:01:16 Lisa Mecklenberg Jackson, LSD

02:01:45 Sen. Lewis withdrew the motion.

EXHIBIT (phs34a05)

EXHIBIT (phs34a06)

02:01:30 **Motion:** Sen. Lewis moved that **SB 326 BE AMENDED.**
(Exhibit 5)

Discussion:

02:02:50 Sen. Lewis

02:03:57 Sen. Murphy

02:04:43 **Vote:** Motion carried 6-1 by voice vote with Sen.
Hinkle voting no.

Discussion:

02:05:00 Chairman Brown

02:05:03 Sen. Lewis

02:05:06 Sen. Schmidt

02:05:08 Sen. Lewis

02:05:51 **Motion:** Sen. Lewis moved that **SB 326 BE AMENDED.**
(Exhibit 6) (This motion was not formally offered but
presumed.)

Discussion:

02:06:02 Sen. Lewis
02:06:34 Without objection from the Committee: Tom Daubert,
Government and Public Relations Consultant; Founder of
Patients and Family United
02:08:35 Sen. Lewis
02:08:55 Sen. Schmidt
02:09:07 Chairman Brown
02:09:43 Sen. Schmidt
02:09:56 Chairman Brown
02:10:05 Sen. Murphy
02:10:44 Sen. Larsen
02:11:18 Sen. Juneau

02:12:08 **Vote:** Motion (presumed) failed 2-5 by voice vote with
Sen. Lewis and Sen. Schmidt voting aye.

02:12:42 **Motion/Vote:** Sen. Lewis moved that **SB 326 DO PASS AS
AMENDED**. Motion carried 5-2 by roll call vote with Sen.
Brown and Sen. Hinkle voting no.

EXECUTIVE ACTION ON SB 330

02:14:29 **Motion:** Sen. Larsen moved that **SB 330 DO PASS**.

Discussion:

02:14:55 Sen. Juneau
02:15:04 Chairman Brown
02:15:26 Sen. Larsen

02:15:45 **Vote:** Motion carried 5-2 by voice vote with Sen.
Hinkle and Senator Murphy voting no.

EXECUTIVE ACTION ON SB 350

02:16:45 **Motion:** Sen. Murphy moved that **SB 350 DO PASS**.

Discussion:

02:17:03 Sen. Juneau
02:17:44 Sen. Hinkle
02:18:29 Chairman Brown
02:18:39 Lisa Mecklenberg Jackson, LSD

02:19:06 Chairman Brown

02:19:15 **Motion/Vote:** Sen. Juneau moved that **SB 350 BE AMENDED**.
Motion carried unanimously.

EXHIBIT (phs34a07)

02:19:58 **Motion:** Sen. Murphy moved that **SB 350 DO PASS AS AMENDED**.

Discussion:

02:21:36 Chairman Brown

02:21:43 Sen. Juneau

02:21:55 Chairman Brown

02:22:26 **Vote:** Motion carried 6-1 by voice vote with
Sen. Brown voting no.

EXECUTIVE ACTION ON SB 357

02:23:05 **Motion/Vote:** Sen. Schmidt moved that **SB 357 BE TABLED**.
Motion that **SB 357 BE TABLED** failed 3-4 by roll call
vote with Sen. Juneau, Sen. Schmidt and Sen. Larsen
voting aye.

02:24:57 **Motion:** Sen. Hinkle moved that **SB 357 DO PASS**.

Discussion:

02:25:37 Sen. Hinkle

02:26:49 Chairman Brown

02:26:55 Sen. Schmidt

02:27:05 Chairman Brown

02:27:16 **Vote:** Motion failed 3-4 by roll call vote with Sen.
Hinkle, Sen. Lewis, and Sen. Murphy voting aye.

**NOTE: SEN. BROWN STATED, AFTER SOUND WAS TURNED OFF, THAT
NOTHING COULD BE DONE WITH SB 357 BECAUSE HE FORGOT TO REVERSE
THE VOTE. THERE IS NO STANDING COMMITTEE REPORT.**

ADJOURNMENT

Adjournment: 6:30 P.M.

Joan Linkenbach, Secretary

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Additional Documents:

EXHIBIT ([phs34aad.pdf](#))